

IN THE SENATE OF THE UNITED STATES.

MAY 4, 1860.—Ordered to be printed.

Mr. BENJAMIN made the following

REPORT.

[To accompany bill S. 425.]

*The Committee on Private Land Claims, to whom was referred "An act for the relief of the heirs and legal representatives of Pierre Dolet, of the State of Louisiana," have the honor to report:*

That by acts of Congress of 10th March, 1812, and 27th February, 1813, (1 Land Laws, 200 and 228,) granting further time to claimants for registering claims to land in the eastern and western districts of Louisiana, Pierre Dolet filed his claim for "two leagues square of land on Bayou Pierre, county of Natchitoches." This claim was reported by the commissioners as No. 1102—583, in the eighth class, (3 American State Papers, 205,) and was not recommended for confirmation, the reason being given in a note to No. 1101, as follows:

"The register and receiver being unacquainted with the signature of the governor of Nacogdoches, as well as with that of the person who certifies said document to be a true copy, cannot take upon themselves to say that the said document is genuine; and being perfectly unacquainted with the laws, usages, and customs of the province of Texas, of which the government of Nacogdoches forms a part, or how far the jurisdiction of that place extended, or if the governor thereof was authorized to grant such large tracts of land, have placed the present claim in this class, leaving it to Congress to point out by law some means of ascertaining these facts, and allowing to the claimants their respective tracts of land, should it be found that they are justly entitled thereto."

The report was made on the 30th December, 1815, and communicated to the House of Representatives on the 8th April, 1816.—(3 American State Papers, Public Lands, page 151.)

By acts of Congress of 3d March, 1823, and 26th May, 1824, (1 Land Laws, pages 365 and 396,) provision was further made for the examination of titles in all that tract of country known as the "neutral territory," situated between the Rio Hondo and Sabine rivers; and the commissioners in their report of 1st November, 1824, communicated to the Senate on the 31st January, 1825, placed this claim in the "first class," and recommended its confirmation.—(4 American State Papers, vol. 4, Public Lands, page 51.)

This claim is there reported as No. 113, and the titles show a complete grant, dated 30th May, 1796, based on a petition or *requête* dated on the 7th December, 1795, which recites that the petitioner had already built a house and made a settlement, and accompanied by proof of actual occupancy at least thirty-five years before the date of the report.

By a reference to the report it will appear that there were but ten cases of the first class, (page 75,) including that of Pierre Dolet. The report in question was not acted on till the 24th May, 1828, when the Committee on Public Lands in the House of Representatives, not being satisfied from the evidence adduced that the absolute legal title was in the grantees in the cases of the first class as reported, declined to take any action in the premises, nor was any further action ever taken till 17th June, 1844, when a law was passed authorizing the claimants of lands in Louisiana and other States to bring suit against the United States to test the validity of their titles.

Under this law the heirs of Davenport brought suit against the United States for the two largest of the ten claims included in the first class above-mentioned, and by the judgment of the Supreme Court of the United States (15 Howard's Rep., 1) the grants were held valid, and were sustained "on principles of equity."

There is another and conclusive ground on which your committee think the good faith of the government pledged in favor of the confirmation of this title. The lands claimed lie in what is called the neutral territory, between the Sabine and Rio Hondo. By the third article of the treaty with Spain, the boundary between Louisiana and Texas was established, and the King of Spain "ceded to the United States all his rights, claims, and pretensions to any territories east and north of the said line;" and, by the eighth article, "all the grants of land made before the 24th January, 1818, by his Catholic Majesty or by his lawful authorities in the said territories, ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands to the same extent that the said grants would be valid if the territories had remained under the dominion of his Catholic Majesty."—(8 Statutes at Large, 256—258.)

The titles to the lands embraced in this neutral territory have been kept unsettled through the default of the government for so long a period that other rights and claims have arisen which your committee does not think it would be expedient to disturb. They think it would be more prudent to satisfy the just claims of the holders of the titles by an indemnity, according to the precedent already established by Congress in one of these claims. An act was passed by the Thirty-fourth Congress for the relief of John L. Vattier, (11 Stat. at Large, 503,) in accordance with a report made by the Hon. Mr. Etheridge; which report is hereunto annexed by the committee as a part of this report. They therefore recommend a substitute for the bill committed to them, by way of amendment, and recommend the passage of the bill as thus amended.

IN THE HOUSE OF REPRESENTATIVES, *July 25, 1856.*

*The Committee on Private Land Claims, to whom was referred the memorial of John L. Vattier, have examined the case, and now beg leave to report:*

That, on the fourteenth of May, 1796, the Spanish authorities at Nacogdoches granted to John Adle a tract of land, lying between the Arroyo Hondo and the Sabine river, and within the so-called neutral territory, and situated at a place known by the name of the Arroyo de la Deesa, in the settlement of Bayou Pierre, having half a league on each of the four cardinal courses from the above-mentioned place, and containing five thousand seven hundred and sixty acres. The grant appears to be complete and unconditional, and a copy of the title-papers is set forth in full in the 4th volume of the American State Papers, Public Lands, page 50. The territory within which the indicated land lies was, at the date of the grant, within the unquestioned jurisdiction of Spain, and so remained until 1819, when it passed as an acquisition to the United States. After that territory came under the jurisdiction of the government, Congress passed an act to provide for the execution of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river, which was approved on the 23d of March, 1823, and also an act supplementary thereto, approved May 26, 1824. In obedience to the provisions of these acts, the register and receiver of the southwestern land district of the State of Louisiana repaired to the town of Natchitoches, and having given suitable notice to the claimants, proceeded to hear testimony, and to examine into the facts connected with the respective claims, and on the 12th November, 1824, they reported to the Secretary of the Treasury the result of their examinations, together with their opinion upon each case. This report can be found at length in the 4th volume of American State Papers, Public Lands, page 34. From this report it appears that George Schamp and Pelagie Schamp, his wife, of the parish of Natchitoches, filed before the land officers, in session as aforesaid, an authenticated copy of the original title-papers in the case, as set forth in their report, together with an authentic copy of an act of sale, dated the 21st of January, 1821, passed before Charles Selocum, judge of the parish of Natchitoches, conveying to the claimants (Schamp) the right, title, and interest of the aforesaid John Adle and Jeanavieve Dubois his wife in and to the land conceded in the indicated grant. In view of these facts, the land officers reported that "we are of opinion that this claim ought to be confirmed, and in the abstract have classed it with claims of the first class." By a reference to the report it will be seen that there were but ten cases of the *first* class, and four of the second class, while there were 280 of the third class and 15 of the fourth class. This report was submitted to Congress on the 28th of January, 1825, but was not acted on until May 24, 1828, when the Committee on Public Lands in the House of Representatives, not being satisfied from the evidence adduced that the absolute legal title was in the grantees in the cases of the first class as

reported, declined to take any action in the premises, nor was any action subsequently had until Congress, by an act passed 17th of June, 1844, authorized suit against the United States, to try the validity of these claims. The remedy was too expensive for the claimants of the smaller tracts, and they were compelled to leave the larger claimants to determine the legal question. This has now been done, and in the case of the United States, appellants, *vs.* Samuel Davenport's heirs, taken up on appeal by the United States from the district court of the United States for the eastern district of Louisiana, under the acts of 1824 and 1844, heretofore referred to, (15 Howard, page 1,) the Supreme Court has decided that "upon a full examination of the evidence, we think they (these grants) are sustained upon principles of equity, and that the decree of the district court that declares them to be valid should be affirmed." The court, however, further held, that inasmuch as their jurisdiction in those cases was special, and as the statutes did not specially authorize it, it was not competent for the court to decree that the petitioners should be entitled to locate elsewhere on the public lands so many acres of land as might have been previously sold by the United States within the limits of the original grant; but, after affirming the equity of the grantee, it declared the effect of its decree to be, "to leave the question of *indemnity* between the claimant and the political department of the government." This decision settles the rights of all the claimants in the first class, as arranged in the land officer's report; because, as will be seen by a reference to that report, the title through which Davenport's heirs claim is precisely identical with the title of the other claimants of that class, and particularly with the title of Schamp, under whom Vattier claims.

On the 31st of July, 1835, Mrs. Schamp, (the daughter of Adle,) she then being the widow Fors, sold and conveyed to A. Bradley her interest in the land in question. This interest amounted to an undivided half. On the 24th of August, 1835, Bradley sold and conveyed to William P. Jones the right and interest in the land which he had acquired from the widow Fors, and on the 23d of April, in 1839, Jones made a donation of the same land to his wife Hannah P. Jones. And finally, on the 27th November, 1849, Hannah P. Jones, the aforesaid wife of William P. Jones, sold and conveyed her interest in the indicated land to John L. Vattier, the memorialist in this case. Such is Vattier's title, and under the decision of the Supreme Court, as well as in view of the facts of the case, your committee cannot perceive how in good faith the United States can avoid indemnifying him. He has no remedy but by act of Congress, and a bill for his relief is herewith reported, granting to him the right to select from the public lands open to entry a quantity equal to that to which, under the decision of the Supreme Court, he is equitably entitled, but which the United States has long since sold.

All of which is respectfully submitted.